

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JOAQUIN D. VARGAS,)
Plaintiff,)
vs-) Case No. CIV-06-498-F
CORRECTIONAL HEALTHCARE)
MANAGEMENT OF OKLAHOMA,)
INC.,)
Defendant.)

ORDER

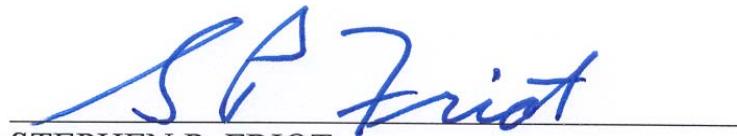
On April 6, 2007, United States Magistrate Judge Gary M. Purcell issued a Second Supplemental Report and Recommendation, wherein he recommended that defendant Correctional Healthcare Management of Oklahoma, Inc.'s Motion for Summary Judgment be granted and that judgment issue in favor of defendant as to plaintiff Joaquin D. Vargas' cause of action under 42 U.S.C. § 1983. Magistrate Judge Purcell specifically advised plaintiff of his right to object to the Second Supplemental Report and Recommendation by April 26, 2007, and that failure to make timely objection to the Second Supplemental Report and Recommendation waives plaintiff's right to appellate review of both the factual and legal issues therein contained.

Although the record reflects that plaintiff filed with the court a pleading entitled “Allegations of the complaint” on April 6, 2007, which was dated March 24, 2007, the record reflects no further filings by plaintiff. With plaintiff filing no objection to the Second Supplemental Report and Recommendation within the time prescribed by

Magistrate Judge Purcell, the court accepts, adopts, and affirms the Second Supplemental Report and Recommendation in its entirety.

Accordingly, the Second Supplemental Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on April 6, 2007 (doc. no. 30) is **ACCEPTED, ADOPTED, and AFFIRMED**. Defendant Correctional Healthcare Management of Oklahoma, Inc.'s Motion for Summary Judgment, filed March 9, 2007 (doc. no. 26), is **GRANTED**. In light of the court granting summary judgment, Defendant Correctional Healthcare Management of Oklahoma, Inc.'s Motion to Dismiss for Failure to State a Claim, filed March 9, 2007 (doc. no. 26), is **DENIED** as **MOOT**. Judgment shall issue forthwith.

DATED May 14, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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